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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,700	08/11/2003	Benjamin J. Olechnowicz	22188/06542	1699
24024	7590	01/11/2006	EXAMINER	
CALFEE HALTER & GRISWOLD, LLP 800 SUPERIOR AVENUE SUITE 1400 CLEVELAND, OH 44114			BOCHNA, DAVID	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/604,700	Applicant(s) OLECHNOWICZ ET AL.	
	Examiner David E. Bochna	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-24, 26, 27 and 29-43 is/are pending in the application.
- 4a) Of the above claim(s) 41-43 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26, 27, 29-31, 38 and 39 is/are allowed.
- 6) ☒ Claim(s) 21-24, 32-37 and 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/11/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the sealing surfaces and anti-rotation surfaces being co-planar upon assembly of the coupling and the frictional surface being coplanar with the sealing beads(claim 37) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Election/Restrictions

2. Newly submitted claims 41-43 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 41-43 relate to a method of coupling two tubular members with a metal sealing gasket there between and the originally claimed invention was drawn to a coupling apparatus that does not include a metal gasket.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 41-43 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Objections

3. Claim 32 is objected to because of the following informalities: Line 1 states "A. The gland" which is grammatically incorrect. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 21, 32, 35 and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear how the sealing surface and the anti-rotation surfaces can be coplanar upon assembly when the bead compresses the sealing surface axially inward relative to the anti-rotation surface upon assembly, and in claim 32, the sealing surface cannot move relative to the anti-rotation surface on the gland, as it is a solid piece, so it is unclear how they can end up in the same plane upon assembly.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 21-24, 32-34, 36-37 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Babuder 5,145,219.

In regard to claim 21, Babuder discloses (figs. 9-11) a coupling comprising: first and second generally tubular members 112, 114 each having a sealing end face, a raised, annular sealing bead 124, 130, an inner bore, and a frictional surface 150 located radially outward of said sealing bead, said tubular members being generally coaxially arranged such that said sealing faces face each other; and

a sealing gasket 140 captured between said sealing beads for sealing said coupling, wherein said frictional surface 150 engages said sealing gasket 140 to prevent relative rotation between said tubular members; said sealing gasket having two respective sides, wherein said sealing gasket includes a sealing surface (beveled surfaces of 142 that contact the outer periphery of the bead) on each of said respective sides of said gasket, each of said sealing surfaces contacting one of said sealing beads of said tubular members and an anti-rotation surface on each of said respective sides of said gasket, each of said anti-rotation surfaces contracting one of said frictional surfaces of said tubular members, wherein each of said respective sealing surfaces and anti-rotation surfaces are co-planar upon assembly of the coupling (the corner created by the beveled side and the vertical side designated by the letter t in fig. 10 contacts both the bevel and

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the knurled surface) (Additionally, the respective sealing surfaces and anti-rotation surfaces are co-planar in fig. 9 in the plane of the page).

In regard to claim 22, wherein said frictional surface has raised protrusions (see col. 8, lines 23-25).

In regard to claim 23, wherein said raised protrusions 150 are formed by knurling.

In regard to claim 24, wherein said knurling 150 extends generally radially.

In regard to claim 32, Babuder discloses a gland for use in a coupling assembly, wherein said gland includes:

a sealing end face, a raised annular sealing bead 130 located on said sealing end face and an inner bore; and

a frictional surface 150 comprising a radially extending band located radially outward of said raised annular sealing bead; wherein said sealing bead forms a sealing surface and said frictional surface forms an anti-rotation surface, and wherein said sealing surface and said anti-friction surface are generally co-planar upon engagement with a sealing gasket (the sealing surface and anti-rotation surfaces are co-planar in fig. 9 in the plane of the page).

In regard to claim 33, wherein said frictional surface has raised protrusions 150.

In regard to claim 34, wherein said raised protrusions 150 are formed by knurling.

In regard to claim 36, wherein said frictional surface is slightly recessed from said sealing beads (see fig. 10 where the sealing bead protrudes axially inward of the knurls 150).

In regard to claim 37, wherein said frictional surface is coplanar with said sealing beads (the sealing bead extends from the frictional surface, so at the point where the sealing bead and

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frictional surface meet, the two are in the same plane)(Additionally, the respective sealing surfaces and anti-rotation surfaces are co-planar in fig. 9 in the plane of the page).

In regard to claim 40, Babuder discloses a coupling comprising:

first and second generally tubular members 112, 114 each having:

a sealing end face, a raised annular sealing bead located on said sealing end face and an inner bore; and

a frictional surface 150 located radially outward of said raised annular sealing bead;

wherein said sealing bead forms a sealing surface and said frictional surface forms an anti-rotation surface, and wherein said sealing surface and said anti-friction surface are generally co-planar (in the plane of the page)(the sealing bead extends from the frictional surface, so at the point where the sealing bead and frictional surface meet, the two are in the same plane); and

a sealing gasket 125 captured between said sealing beads for sealing said coupling.

8. Claim 35 is rejected under 35 U.S.C. 102(b) as being anticipated by Benjamin '973.

In regard to claim 35, Benjamin discloses a coupling comprising:

a first tubular member 18' and a second tubular member 19, each of said tubular member including a raised annular sealing bead 51, 50 and a frictional surface 40 located radially outward from said sealing bead 50; and

a gasket S of generally uniform thickness;

wherein said annular sealing beads 51, 50 contact said gasket to form a sealing surface and said frictional surface 40 contacts said gasket to form an anti-rotation surface; and wherein said sealing surface and said anti-rotation surface are generally co-planar upon assembly of the coupling.

Response to Arguments

9. Applicant's arguments with respect to claims 21-24, 32-37 and 40 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter


10. Claims 26-27, 29-31 and 38-39 are allowed.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David E. Bochna
Primary Examiner
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